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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD,
VIJAYAWADA.**

APPOINTMENT OF JANAB ABDUL AZEEM S/o Late SUBHAN AS MUTAWALLI OF SUNNIA JAMIA MASJID AND ITS ATTACHED PROPERTIES IN AZEEMABAD VILLAGE, GAJUWAKA MANDAL FOR A PERIOD OF (2) TWO YEARS.

- Read :
- 1) Letter from District Collector & Magistrate, Visakhapatnam District, Dated: 17-02-2018.
 - 2) Report of the I.A. Waqfs, Visakhapatnam District, Dated: 28-02-2018.
 - 3) Report of the I.A. Waqfs, Visakhapatnam District, Dated: 27-11-2018.
 - 4) Orders of the Hon'ble Chairperson, APSWB, Dt: 17-01 -2019.
 - 5) Board's Resolution No.09 /2019, Dated: 02-02-2019.
 - 6) Orders of the Hon'ble Chairperson, Dt: 07-02-2019.

F.No.01/JMSQ/AZMB/T/2018,- The Waqf institution namely Sunni Jamia Masjid situated at Azeemabad, Gajuwaka Mandal, Visakhapatnam District is notified Waqf property published in A.P Gazette No.47 Part-II, dt.30-11-1961 at SI No.89. The said institution is covered in the 1st Commissioner's report on the Survey of Waqfs Report 1956 vide FC No.533 at Serial No.17 Visakhapatnam and at column No. 10 the name of the Muthawallies and their address "is not known" the said institution was maintained by Sri Abdul Azeem the proposed persons grand fathers and also it is found in Survey commissioner of Waqf report at page No. 2 at coloumn No. 19 was described as

“Mosque maintained with Subscriptions raised as and when necessary no properties attached to the Mosque”. The subject institution is maintaining under direct management of A.P State Waqf Board vide proceedings No.73A/VSP/2016, Dt. 30-08-2018.

In the reference 1st read above, the Collector & District Magistrate, Visakhapatnam, requested this office to take necessary steps for appointment of Jahab Abdul Azeem S/o Late Subhan, age about 75 years as Muthawalli U/Sec.63 of Waqf Act, 1995 to Mosque @ Azeemabad Sunni Jamia Masjid (Notified Waqf property) in Gajuwaka Mandal.

In the reference 2nd read above, the Inspector-Auditor, Waqf, Visakhapatnam District reported along with report, dt. 17-02-2018 of the Collector & District Magistrate, Visakhapatnam that the land Sy No.60/1, T.D No.22 classified as Metta, with an extent of Ac.01.97 was enjoyment by the forefathers of Sri Abdul Azeem S/o Late Abdul Subhan. The land enjoyers i.e Sri Abdul Azeem and his son late Subhani have paid land Revenue every fasli year to Sheru Mohammadupuramu and requested to appoint Sri Abdul Azeem as Muthawalli U/Sec.63 of Waqf Act, 1995.

In the reference 3rd read above, the I.A, Waqf, Visakhapatnam district again submitted reported that (120) members musallies offering (5) times Namaz in the said mosque every day but only one family i.e Mr.Abdul Khader Basha is agitating and creating un-necessary hurdles in the Masjid with personal glitz except that there is no such complaints from the 1200 musallies of Azeemabad Masjid., Gajuwaka.

Further reported that as per history of the mosque and its agitation matters made by Mr. Abdul Khader Basha he is only one man has agitating the Mosque matter against Sri Abdul Azeem out of 1200 local Muslim elders except that. As per the public demand and also letter of the Collector, Visakhapatnam district may consider to appoint Sri Abdul Azeem S/o Late Abdul Subhan as Muthawalli U/Sec.63 of Waqf Act, 1995.

The matter was placed before the Hon'ble Chairperson, AP State Waqf Board, who after examining the issue and passed orders vide the reference 4th read above that to place the matter before Board for appointment of Muthawalli U/Sec.63 of Waqf Act, 1995 to the subject Waqf institution Sunnia Jamia Masjid and its attached properties situated at Azeemabad (V), Gajuwaka (M), Visakhapatnam District.

In pursuance the orders passed above, the matter placed before the Board meeting held on 02-02-2019. After discussion, the Board has passed Resolution No.09/2019, dated: 02-02-2019 vide the reference 5th read above that **“It is unanimously resolved and agreed for appointment of Sri Abdul Azeem S/o Late Subhan as Muthawalli U/Sec.63 of Waqf Act, 1995 for a period of (2) years for managing the affairs of subject Waqf institution by following Waqf Act, 1995 and Waqf rules, 2000 from the date of issue this orders. Further resolved that, Sri Nazeer Ahmed Khan is appointed as E.O to conduct enquiry on the allegations of Sri Abdul Khader Basha in respect of subject institution and submit his findings of enquiry in the next board meeting”**.

Accordingly, Janab Abdul Azeem S/o Late Subhan is here by appointed as Muthawalli U/Sec.63 of Waqf Act, 1995 for a period of two (2) years in respect of Sunnia Jamia Masjid and its attached properties situated at Azeemabad (V), Gajuwaka (M), Visakhapatnam District. The enquiry proceeding issued Separately.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rules 20 of A.P. Waqfs Rules, 2000 and should follow the instructions issued by the Board from time to time. He should submit the Accounts Budget Income & Expenditure statement and pay Waqf Fund properly, failing which Section 61 and 64 of the Waqf Act, 1995 will be attracted duties mentioned hereunder.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board.
- c) To allow Inspector Auditor Waqfs regarding property accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is lawfully required to do so or under this Act.
- f) Shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural land.
- i) He will not entitled to expend the Monies of Waqf exceeding 10% of the Net annual Income.

As per Sec. 101 (2) of Waqf Act, 1995, *“Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec. 21 of the Indian Penal Code”*. As such, for the illegal act if any, every member of the committee will be liable for penal action. The Committee shall also noted that Sec.3 (ee) defined encroacher, Sec. 52-A explain rigorous punishment upto (2) years and Sec.61 speaks penalty and punishment upto (6) months for the lapses / charges shown therein, hence should act carefully delinquency and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

SHAIK AHAMMAD,
CHIEF EXECUTIVE OFFICER,
Andhra Pradesh State Waqf Board,
Vijayawada.

To
Sri Abdul Azeem,
S/o Late Subhan,
Mutawalli of Sunni Jamia Masjid,
Azeemabad (V), Gajuwaka (M),
Visakhapatnam District.